

## REMARKS

Claims 1-26 are pending in the application.

### Application Status

Applicants acknowledge and appreciate that the Examiner has withdrawn the Finality of the previous action pursuant to the RCE and Amendments filed on October 20, 2008 under 37 CFR 1.114, and that the amendments have been entered. New grounds of rejection have been presented, each of which is addressed below.

### Double Patenting

The Examiner provisionally rejected claims 1-26 under the non-statutory obviousness-type double patenting doctrine, as being unpatentable over claims 1-20 of U.S. Application No. 10/047,188. Applicants respectfully traverse the Examiner's rejections. In the interest of expediency, Applicants have included herein a Terminal Disclaimer with respect to U.S. Application No. 10/047,188. Applicants respectfully request that the Examiner's rejection of claims 1-26 be withdrawn. However, it will be appreciated that the filing of the terminal disclaimer to obviate the Examiner's rejection is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. vs. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed Cir. 1991). See MPEP §804.03. Applicants respectfully request the rejection of these claims be withdrawn.

### Allowable Subject Matter

Applicants acknowledge and appreciate that the Examiner has indicated that claims 1-26 appear to contain allowable subject matter, subject to the objections, 112 rejections, the non-statutory double patenting rejection, all of which have been addressed herein.

**Claims Objections**

The Examiner objected to claims 1, 4-6, 12, 17, 20-22 and 24-26 due to informalities. Applicants have amended claims 1, 4-6, 12, 17, 20-22 and 24-26 to address the Examiner's objection. In light of the amendments provided herein, the objection are now moot and claims 1, 4-6, 12, 17, 20-22 and 24-26 are allowable for at least the reasons provided herein.

**Claims Rejections – 35 USC 112**

Claims 3-7, 10, 19-24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In light of the amendments provided herein, Applicants respectfully traverse this rejection. Amendments to claims 3, 4, 5, 6, 10, 19, 20, 21, 22 and 24 have been made to correct typographical errors. Antecedent basis issues have been addressed by these amendments. The amendments to claims 3, 4, 5, 6, 10, 19, 20, 21, 22 and 24 address the Examiner's rejections and thus, the rejections are now moot. Accordingly, claims 3, 4, 5, 6, 10, 19, 20, 21, 22 and 24 (and their respective dependent claims) are allowable for at least the reasons provided herein. Accordingly, claims 3-7, 10, 19-24 are allowable.

Reconsideration of the present application is respectfully requested. In light of the amendments and arguments presented herein, Applicants respectfully assert that claims 1-26 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, **the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069** to discuss the steps necessary for placing the application in condition for allowance.

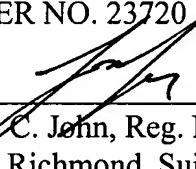
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Respectfully submitted,

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